

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ELIAS DABID RASCON-BALDERAS,

Defendant.

CASE NO. 8:03CR435

ORDER

This matter comes on to consider the government's motion for reduction of sentence pursuant to Rule 35(b) and request for hearing, Filing No. 81. Having considered the matter, IT IS ORDERED that:

1. The government's request for hearing, Filing No. 81, is granted.
2. A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) has been set before the undersigned United States district judge on **February 6, 2006 at 2:30 p.m.** in Courtroom No. 2, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
3. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion. If retained, counsel for the defendant remains as counsel for the defendant until the Rule 35(b) motion is resolved or until given leave to withdraw.
4. **The Defendant has waived his right to appear; however, the defendant may participate telephonically in the hearing by informing his attorney seven days before the hearing, who in turn shall supply this court with a telephone number at which the defendant may be reached for the hearing.**

Dated this 24th day of January, 2006.

BY THE COURT:

s/ Laurie Smith Camp
United States District Judge